

# **EXHIBIT C**

# **[REDACTED]**

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a )  
Delaware corporation, ORACLE )  
USA, INC., a Colorado )  
corporation, and ORACLE )  
INTERNATIONAL CORPORATION, a )  
California corporation, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 07-CV-1658 (PJH)  
 )  
SAP AG, a German corporation, )  
SAP AMERICA, INC., a Delaware )  
corporation, TOMORROWNOW, )  
INC., a Texas corporation, and )  
DOES 1-50, inclusive, )  
 )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF  
LARRY ELLISON

\_\_\_\_\_  
TUESDAY, MAY 5, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR  
(1-418128)

Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 58

11:31:24 5 with counsel, no.

11:31:29 6 MR. LANIER: Q. Let's go back to the

11:31:31 7 PeopleSoft acquisition.

11:31:33 8 What were your goals in entering into the

11:31:36 9 PeopleSoft acquisition?

11:31:38 10 A. To expand our applications business.

Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 73



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON      May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 74



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON                      May 5, 2009  
HIGHLY    CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 75



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON                      May 5, 2009  
HIGHLY    CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 76



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON      May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 77



Merrill Legal Solutions  
(800) 869-9132



LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 78



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 79



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 80



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON      May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 81



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 82



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON                      May 5, 2009  
HIGHLY    CONFIDENTIAL - ATTORNEYS' EYES ONLY

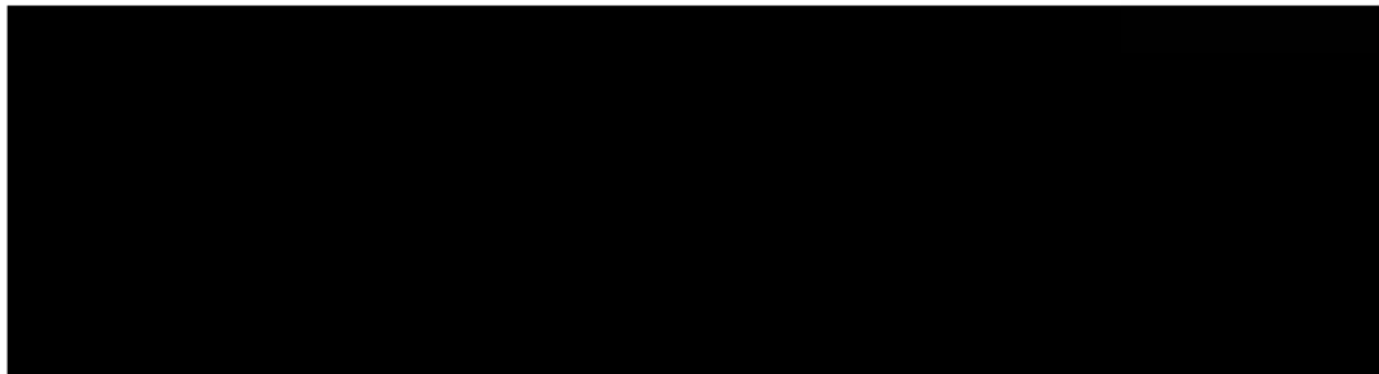
Page 83



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 84



LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 85

12:18:24 7 Q. We're going to look at a few documents for  
12:18:26 8 a little bit. Always an exciting part of a  
12:18:28 9 deposition.  
12:18:34 10 I'm sure, sir, you are familiar with this  
12:18:37 11 process. This is a document that has not yet been  
12:18:40 12 marked. It is a press release, or it's a printout  
12:18:43 13 from the good old internet of a press release, or  
12:18:47 14 article, excuse me, titled, "Ellison Tries To Allay  
12:18:50 15 PeopleSoft Customers' Fears," and it is 3 pages  
12:18:55 16 long. I'll give one to the court reporter, and she  
12:18:57 17 will soon pass it to you.  
12:18:58 18 (Deposition Exhibit 399 was marked for  
12:18:59 19 identification.)  
12:19:11 20 MR. LANIER: Q. Mr. Ellison, Exhibit 399  
12:19:12 21 is in front of you. It's an article, it's --  
12:19:17 22 A. It's a small font.  
12:19:18 23 Q. Yes. I am on the ragged bleeding edge,  
12:19:22 24 probably past it, of needing help reading it myself.  
12:19:26 25 It's three pieces of paper. The article's



LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 86

12:19:28 1 only on one page. You're welcome to look at as much  
12:19:31 2 or as little of it as you wish. I'm going to ask  
12:19:34 3 you a couple of specific questions. Tell me when  
12:19:36 4 you are ready.

12:19:37 5 A. Okay. Give me a couple seconds.

12:19:39 6 Q. Please.

12:19:40 7 A. (Examining document.)

12:19:46 8 Is there a date on this document that I  
12:19:47 9 just can't find?

12:19:48 10 Q. Yes. It is -- do you see the title, it's  
12:19:51 11 about a third of the way down the page, maybe 40  
12:19:53 12 percent of down, there's the byline "By Charles  
12:19:56 13 Babcock"?

12:19:57 14 A. Got it. December 9, 2004. Thank you.

12:20:26 15 Okay.

12:20:27 16 Q. Sir, have you seen this article before?

12:20:30 17 A. I may have. I have no recollection of the  
12:20:32 18 article, though.

12:20:33 19 Q. Okay. There's a couple of quotes  
12:20:34 20 attributed to you. I am going to ask you about them  
12:20:38 21 and some other questions.

12:20:40 22 So the first is in the first paragraph, in  
12:20:43 23 the second sentence, there's a quote attributed to  
12:20:46 24 you that says, "'We're going to oversupport  
12:20:49 25 PeopleSoft customers,' Ellison said Wednesday," and

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 87

12:20:51 1 it goes on.

12:20:52 2 Do you see that?

12:20:54 3 A. I do.

12:20:55 4 Q. Do you recall saying that or words to that  
12:20:56 5 effect?

12:20:57 6 A. Words to that effect.

12:20:58 7 Q. What did you mean by "oversupport"?

12:21:00 8 A. We're going to do as good -- we're going to  
12:21:09 9 focus very heavily on these new customers, we're  
12:21:12 10 going to pay a lot of attention to them, we're going  
12:21:14 11 to make sure we're doing a -- you know, A-plus-level  
12:21:19 12 support. Communicating with them on a regular  
12:21:20 13 basis, even sometimes proactively. You know, rather  
12:21:24 14 than waiting for them to call us, we'll call them.

12:21:27 15 Q. And these were plans that were already in  
12:21:29 16 place as of December 9, 2004?

12:21:31 17 A. Correct.

LARRY ELLISON May 5, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 114



Merrill Legal Solutions  
(800) 869-9132

LARRY ELLISON May 5, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

13:40:57 1 THE VIDEO OPERATOR: This marks the end of  
13:40:58 2 Videotape No. 2 in the deposition of Larry Ellison.  
13:41:01 3 Going off the record, the time now is 1:41.

13:41:04 4 (Time noted, 1:41 p.m.)

13:41:09 5 --o0o--

13:41:09 6 I declare under penalty of perjury that  
13:41:09 7 the foregoing is true and correct. Subscribed at

13:41:09 8 \_\_\_\_\_, California, this \_\_\_\_\_ day of

13:41:09 9 \_\_\_\_\_ 2009.

13:41:09 10

13:41:09 11

13:41:09 12

LARRY ELLISON

13

14

15

16

17

18

19

20

21

22

23

24

25

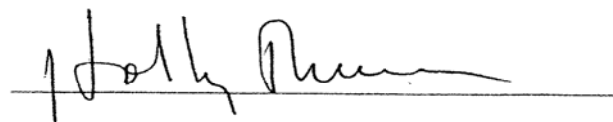
## 1 CERTIFICATE OF REPORTER

2 I, HOLLY THUMAN, a Certified Shorthand  
3 Reporter, hereby certify that the witness in the  
4 foregoing deposition was by me duly sworn to tell the  
5 truth, the whole truth, and nothing but the truth in the  
6 within-entitled cause; that said deposition was taken  
7 down in shorthand by me, a disinterested person, at the  
8 time and place therein stated, and that the testimony of  
9 the said witness was thereafter reduced to typewriting,  
10 by computer, under my direction and supervision;

11 That before completion of the deposition,  
12 review of the transcript ☒ was [ ] was not requested.  
13 If requested, any changes made by the deponent (and  
14 provided to the reporter) during the period allowed are  
15 appended hereto.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties to the said  
18 deposition, nor in any way interested in the event of  
19 this cause, and that I am not related to any of the  
20 parties thereto.

21  
22 DATED May 11, 2009

23  
24   
25 HOLLY THUMAN, CSR No. 6834